STATE OF NEW YORK

3487--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

Introduced by M. of A. DeSTEFANO, J. A. GIGLIO, BYRNES, LEMONDES, SMITH, MIKULIN, MANKTELOW, ANGELINO, J. M. GIGLIO -- read once and referred to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the cannabis law, in relation to excluding volunteer firefighters and emergency medical services employees from the permissive use of marijuana

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 3 of the cannabis law is amended by adding two new subdivisions 25-a and 25-b to read as follows:

25-a. "Exempt fire agency" means a fire department of a city, municipality, village, town or other governmental subdivision that provides fire and emergency services or other safety sensitive tasks to provide public safety to a community.

25-b. "Exempt employee" means a volunteer firefighter or an emergency medical services employee of an exempt fire agency whose work responsibilities are tasks that impact the safety of a mitigation effort or the safety of other employees. Activities may include, but shall not be limited to, driving and operating fire apparatus, operating in immediately dangerous to life atmospheres, establishing and operating hose lines, performing all manner of rescue activities, and delivering emergency medical care to the sick or injured.

§ 2. Section 127 of the cannabis law is amended by adding a new subdivision 7 to read as follows:

7. (a) For the purpose of assuring the safety of other volunteer firefighters and emergency medical services employees, the public and the protection of their greater community, this section shall not apply to an exempt employee of an exempted fire agency. Additionally, an exempt fire agency shall be entitled to take all reasonable measures to be assured there is no risk of cannabis impairment of its exempt employees,

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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including but not limited to, preemployment testing, random drug tests and testing for cause for the presence of evidence of cannabis use by the member in accordance with current federal standards.

(b) Any exempt employee of an exempt fire agency that is prescribed cannabis for medical purposes shall be required to immediately report their prescription to the exempt fire agency who shall consult with the exempt fire agency's medical director to make a determination of the exempt employee's fitness for duty and a need to be placed on restriction.

§ 3. This act shall take effect immediately.